Lies, Distortions, Mistakes and Fallacies in Westminster's Busking Policy and Planning

Published September 25th, 2023

To Westminster City Councillors,

In June 2023, your council officers published a document looking at how well your busking licence has been doing since it came into effect on April 5th 2021.

There are multiple demonstrable lies and distortions in the report, its logic is deeply flawed, and it appears that your own officers might have broken four separate laws along the way.

Worst of all, the authors of the report:

a) Clearly state that without key changes, the licence will never work
b) Then give reasons for why those changes aren't realistic
c) But then suggest making those changes anyway

They twisted the data to support a plan that they say would be ineffectual. And if we hadn't combed through the report really closely, we might have missed just how much nonsense is contained within its pages.

So please read the below with an open mind — because the health of your borough's world-famous busking ecosystem depends on it!

To everyone else,

On the one hand, what I've written could be incredibly boring. I've spent eight weeks investigating a council policy review report, and although I've tried to make it sound exciting, the basic fact is that this is still incredibly dense information about busking policy.

That said, I've caught whomever wrote this report (I'm imagining a small cabal of scrooge-like figures) in multiple lies, and exposed—I believe—the *fact* that this policy is completely untenable as written, and designed merely to attack the Street Performers Associations that exist in London, rather than to improve the busking situation.

I find that topic interesting, and maybe you will too.

Most sections come with a video reference to watch, in case you don't feel like reading ten thousand words of text!

Nick

In case you're not caught up

Most of this writing is about "The Report", what I'm calling the 114 page, 26,000 word report that Westminster City Council just published reviewing the first two years of its new licensing regime. It is actually titled, "Busking and street entertainment licensing policy review report", so I suppose this *should* be titled "Busking and street entertainment licensing policy review report review report", but nobody would ever read it.

Unless otherwise noted, when I'm talking about "the report", I'm talking about the above one.

Anyway, it took me two months of hard graft to get to the bottom of why the aforementioned document was so error-filled, insidious and stupid, a toxic trinity that could lead councillors to vote for policies that would objectively make a terrible situation even *worse*, not just for the borough's buskers.

If the council were to vote on the recommendations contained solely in the report, without hearing an opposing view, they couldn't be blamed. In fact, blame for the council's actions would rest solely on the shoulders of whichever unscrupulous people wrote the report.

So, hopefully this document will reach them in time.

There are two other documents I mention here.

In December 2020 Westminster City Council published a "Busking and Street Entertainment Policy report (which I refer to as "the 2020 report"). It was the last report published about a need for a busking licence, before the council voted to create a busking licensing regime.

On April 5th 2021, the busking licence went into effect. The details of the licence, the application process, the code of conduct and the rules were published in Busking and Street Entertainment Policy (referred to as "the policy").

Ten Biggest Issues With the Policy & Report

Members of the press — I think any one of these problems could make a story-worthy article that exposes how flawed the licensing regime has been, and the lies published in the report that attempt to excuse how badly it's gone until now.

1. The main distortion in the report is perhaps the most boring: it ignores that after an initial spike in 2021, complaints about buskers have been below average, and have been below average for more than a year. Instead, the report's authors grouped all the complaints together, took an average, and simply said "complaints have gone up". That was only true until the winter of 2021/2. The report was published in 2023. The logic that complaints have gone up is what the report's authors have used to demand that "urgent" action must be taken. This premise is a major distortion of the truth, bordering on an outright lie. The street performers do agree that urgent action must be taken—but it's to get rid of this licence, for all the reasons listed below.
2. The report ignores that the licence banned 90% of Covent Garden's shows. The licence also banned—we think accidentally, because the council never mentioned the intent to do this—all the world-famous touring buskers who perform in Covent Garden. Instead of noting that, the report's authors suggested that buskers may not have signed up for a licence because they are tax dodging criminals.
3. It ignores, hides or minimises the successes that the Covent Garden Street Performers Association (CGSPA) has had on minimising complaints. The CGSPA has been *so* effective—a fact that is immediately evident when you look closely at the data—that it's difficult to view this choice by the report's authors (matching the viewpoint in the 2020 report) as anything other than a deliberate and unjust attack.
4. For example, the report completely ignores the borough's worst locations for complaints. It just leaves them out entirely. Instead, it falsely claims that Covent Garden is a complaints hotspot. The data is clear: the Covent Garden market gets minimal complaints, and only about 8% of those complaints are about the two pitches managed by the CGSPA. The CGSPA-managed pitches got *just thirty four complaints* over the two years between December 2017 to December 2019, while Oxford Street got over 1,100 in that same period. The report's authors ignore the latter, while damning the former by saying that the CGSPA demonstrates that self-regulation doesn't work.
5. The regime gives buskers on average less than three minutes of amplified pitch time per day. Even if only licenced buskers shared those pitches, they'd have to wait days to get their turn on an amplified pitch. This fact alone makes the licenced pitches unworkable — and also why a minimum of 85% of buskers chose not to renew their licence (industry standard is about 20%). To make matters worse, the 2023 report recommends removing one of the three amplified pitches, which would make it even more pointless. If the rules were adhered to, the vast majority of street performers in Westminster would go out of business. This appears to be *the intention* of whomever wrote the report.
6. The report says cooperation from buskers is essential. And yet, the council has refused to host the round-table discussions between buskers, council, residents and businesses. This was the *only* communication tool set out in 2020, and the council simply decided not to do it—despite agreeing to have endless meetings with

businesses and residents over the same time period. Now, the council wants to "relaunch" the forum, but this time excluding the two street performers associations, and also excluding residents and businesses. This is simply madness.

7. The council has turned busking into the borough's most common crime (committed tens of thousands of times a year). And yet, they've only prosecuted a single busker, giving him a £40 fine. This is because the police have repeatedly shown (as evidenced multiple times in the report) that they have better things to do. The police have literally refused to get involved when council officers have directly requested support. This is despite the report (falsely) portraying Westminster's buskers and their audiences as aggressive thugs who frequently physically threaten council officials. The report has provided no evidence of this, and the busker associations are highly confused and doubtful that this is an issue.
8. The report's authors even recognise that the cops have better things to do. They also offer no reasons why that will change in the future. They admit that future partnerships with the police are "unlikely" to continue for long. They also admit that without the cops helping to enforce the licence, the licence is entirely pointless. And yet, despite clearly making the argument that the licence is pointless, they recommend *increasing* the budget for the licence.
9. A small point, but it seems that Westminster City Council has been illegally avoiding paying for PRS's busking licence for Local Authorities. This is the clearly-stated licence councils are supposed to pay once they have demarcated busking pitches. If true, the council has effectively stolen about £¼ million from the UK's songwriters. The report calls street performers who haven't gotten busking licences "illegal buskers" 39 times in the rerport, while simultaneously not getting their own PRS licence. The council may also have broken union discrimination and GDPR rules by asking buskers to state their union membership status in their licence application forms.
10. And finally, the report suggests six ways of reducing cooperation and engagement with the street performers, one hopeful "try to get the police interested" recommendation, and ten recommendations that are inconsequential. Understandably, the report prefaces its recommendations section by recommending that the council should "manage expectations" of local businesses and residents. The reports authors believe they should let locals know that nothing is going to change.

The council's recommendations will self-evidently make things worse. The *only* solution here is to get London's buskers on board. The regime needs to be thrown out, and the council should instead spend its money on bolstering the SPAs. Doing so could potentially save the council tens of thousands of pounds a year.

For interviews, information and media requests, please email:
Nick Broad
nick@busk.co
WhatsApp: +49 1789615121
Phone: +4407736925000

Viewing Alternatives

If text isn't for you, then these four videos cover most of the topics written about below.

Video 1: Lies and potential crimes in Westminster's Busking Policy (15 mins)

Link: https://youtu.be/LcgFg-NGEpQ

Video 2: How Westminster Attacked the Street Performer Associations (15 minutes)

Link: https://youtu.be/Hu_9-snD2ug

Video 3: Apologies Westminster has to make to its street performers (13 minutes)

"The new rules: we won't talk to you...
and we won't talk about you...
and we wan
r you."
Watch: Apologies Westminster Council Has to make to its Street Performers

Link: https://youtu.be/QUdOL_IUdBQ

Video 4: Why Westminster's Recommendations will make things worse (9 minutes)

How much did Westminster Spend?
"Processing & Determining" applications: £200 x 514 = £102,800
PRS Local Authorities Busking License: £13.12 x 26 x 365 = £124,509
Enforcement &
Responding to thousands o
Meetings and public co
Data reviews and analyses: £ x,xxx
All the other costs: £ xx,xxx
£227,309 + a + b + c + d
Watch: Why Westminster's Recommendations will make things worse

Link: https://youtu.be/q66TJRa1Fdk

OR WATCH THE ENTIRE DOCUMENTARY HERE:

https://www.youtube.com/watch?v=MCVGVrDKCuY (53 minutes)

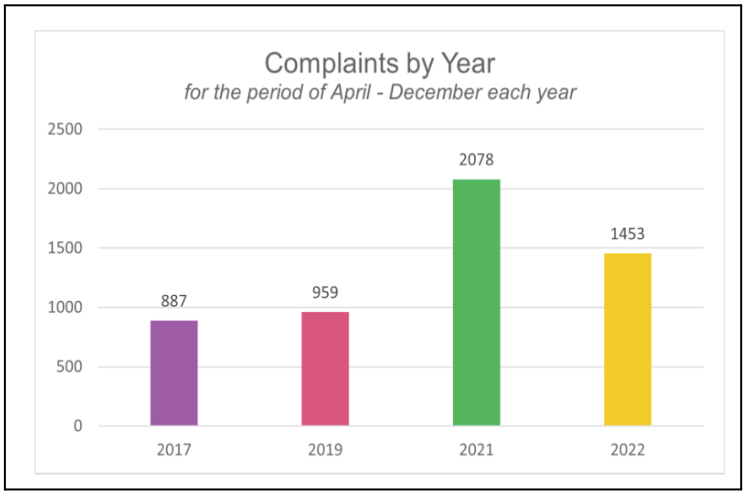
In-depth review of The Report

1. Misrepresentation of complaints to imply things are worse than before

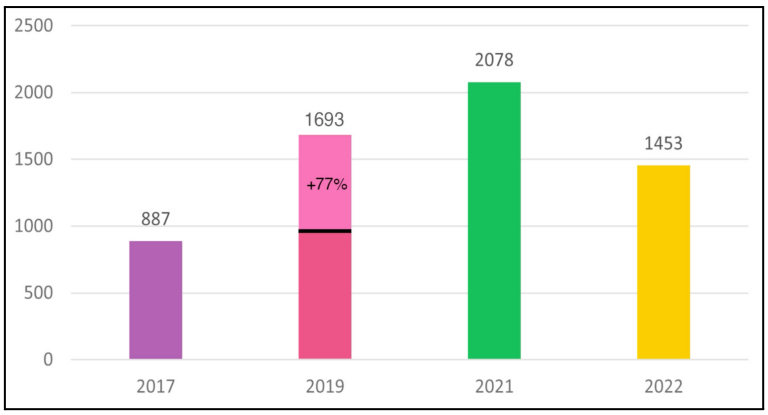
The report's executive summary says that during the two years of operation, "there was a notable increase in complaints related to busking." That's its basic message: complaints about street performers have gone up, and now the council has to act.

Here's how the newspapers covered the report:

This is based on a total misrepresentation of the facts. Below you can see the only chart in the report that compares complaints *before* the licence went into effect (2019) and *after* (2021), with a gap in the middle for Covid. It clearly shows that after two relatively stable years, complaints visibly shot up in 2021 and are still really high in 2022:



But that chart is lying. From previous FOI requests, we can see that the *actual* number of complaints buskers got between April and December 2019 was 1,693, 77% more than what's shown in the above chart:



Immediately it's clear that 2022 complaints are *lower* than 2019. Hardly the 'skyrocket' in complaints reported in the press.

Also, without explanation, the chart above leaves out 2018, and the months of January to March. We'll correct that below.

2. Not giving context for the spike in complaints in 2021

It is on page 5, in the report's executive summary, where it says "There was a notable increase in complaints". Readers have to wait until page 17 for context explaining why, initially, this might have been so:

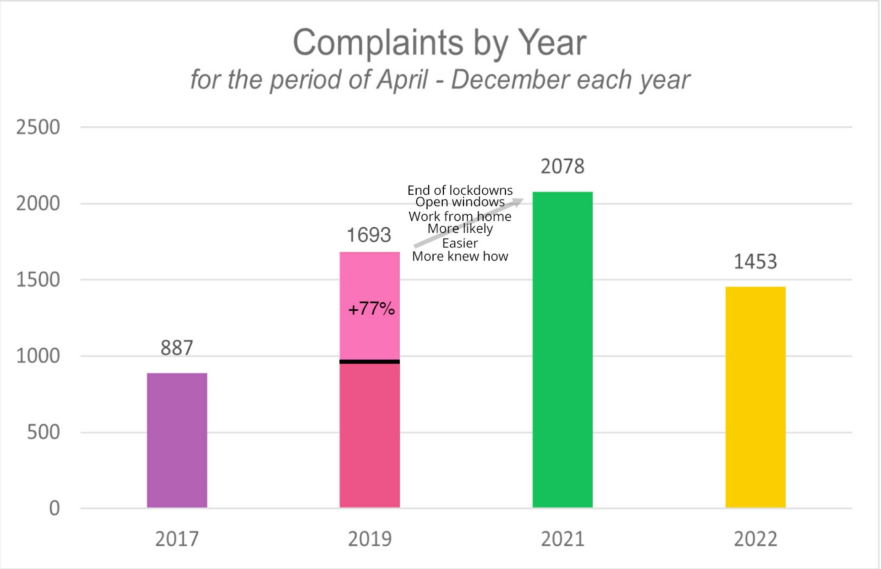
1. The licence came into effect in April 2021. It made people believe that complaints would lead to prosecutions. So, more people were likely to complain
2. The council also made it easier to complain on their website, so a higher percentage of people who wanted to complain would go through with it.
3. Once the deathly quiet of lockdowns ended, "the return of activity that generated *any* noise could have given rise to additional complaints at the time".

But, they missed three other reasons:

4. In 2021, a lot more people were working from home, right next to busking pitches.
5. Because of covid safety rules and advice, businesses were now keeping their windows open, letting air out and sound in.
6. The consultation period itself (with its endless meetings with businesses and locals) acted as an advertisement for the complaints system. More people simply knew how to complain.

So, more people knew how to complain, it was easier to complain and people were more likely to complain. At the same time, covid forced people to work from home, businesses to open their windows, and had created a temporary silence that suddenly ended in 2021.

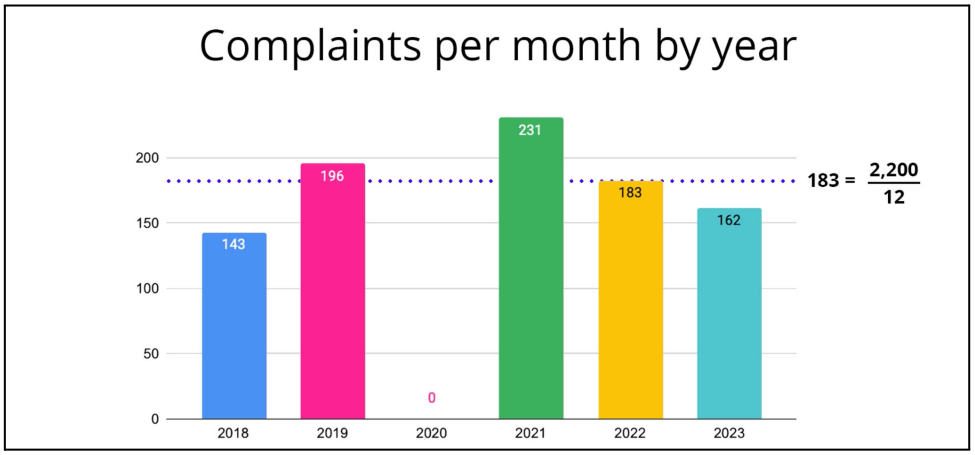
Any discussion about the complaints data that doesn't *start* with all that context is borderline fraudulent. And it's definitely bad science.



3. Ignoring how much complaints have gone down

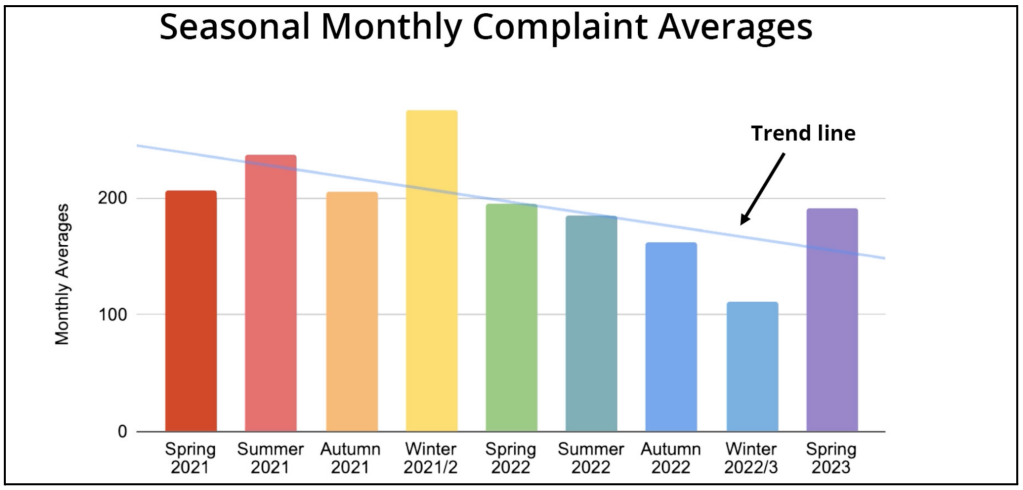
> “Since the introduction of the scheme, the Council has received 5070 complaints within the period of April 2021 to May 2023. On average, the Council receives around 2,200 complaints per year.”

They don’t spell it out for you, but 5,070 complaints in 26 months is an average of 2,340 per year. That’s higher than normal. But, that hides the real story: that complaints are far lower now than they were after their initial 2021 spike. Here’s a chart showing the monthly average for 2018-2023, comparing it with the monthly average listed above (2,200 complaints per year = 183 per month):



It clearly shows that 2019 was above average, 2021 had a spike, 2022 was average, and 2023 was below average. Hardly the “council forced to act after complaints skyrocket” narrative in the press.

We don’t have data for 2023’s summer. But, if we show monthly averages by season to date, it shows that there was a dip in complaints for four-straight seasons, and the Spring 2023 bounce is still below the Springs of 2021 and 2022:



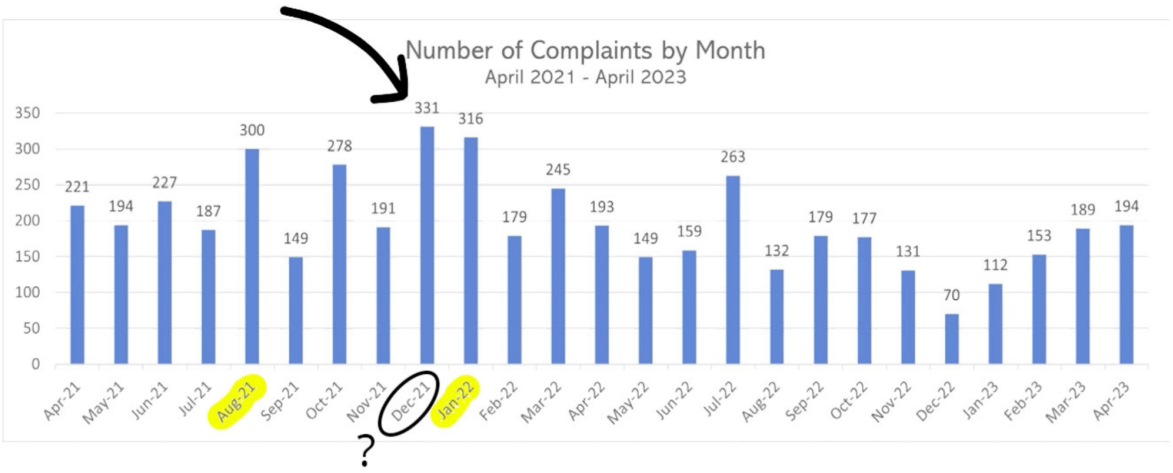
Does that chart demonstrate the sense of urgency demonstrated in the report?

Council claim, VS reality:

"Complaints have gone up, not down"
"5070 complaints!"
External factors made complaints rise in 2021
2022 was average, 2023 even better
There was a steady four-season drop in complaints

4. Not being able to tell the ‘most’ of something

The report’s authors say that the chart below shows that “The highest number of complaints were received in August 2021 (300 complaints) and January 2022 (316 complaints”.

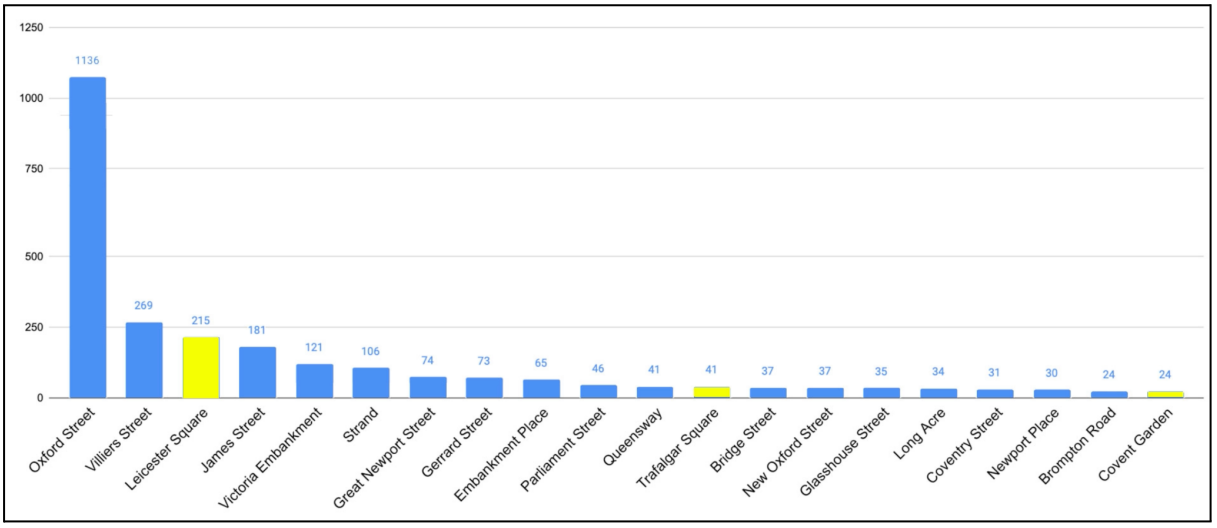


That might be funny, but unfortunately, it seems like the inability to recognise what is “highest” has lead the council to repeatedly claim that Covent Garden and Leicester Square are the two worst areas in Westminster:

> impacts originally identified. However, Leicester Square and Covent Garden are still significant drivers of complaints and issues relating to compliance with the scheme.
>
> Leicester Square and Covent Garden were quickly identified as areas of significant concern from the level of complaints and via City Inspector accounts. Officers decided to engage with
>
> illegal performers within the scheme. Non-compliance and illegal activity were particularly prevalent in Leicester Square and Covent Garden.
>
> occurring in certain locations. Leicester Square and Covent Garden areas have dominated the review discussions as non-compliance, illegal performers, and associated impacts of

The 2023 report mentions Leicester Square 117 times, Covent Garden 39 times, and Trafalgar Square (another busking hotspot) 23 times. This makes sense at first — these are the three locations people associate with busking in Westminster. But it has absolutely nothing to do with the number of actual complaints these areas get.

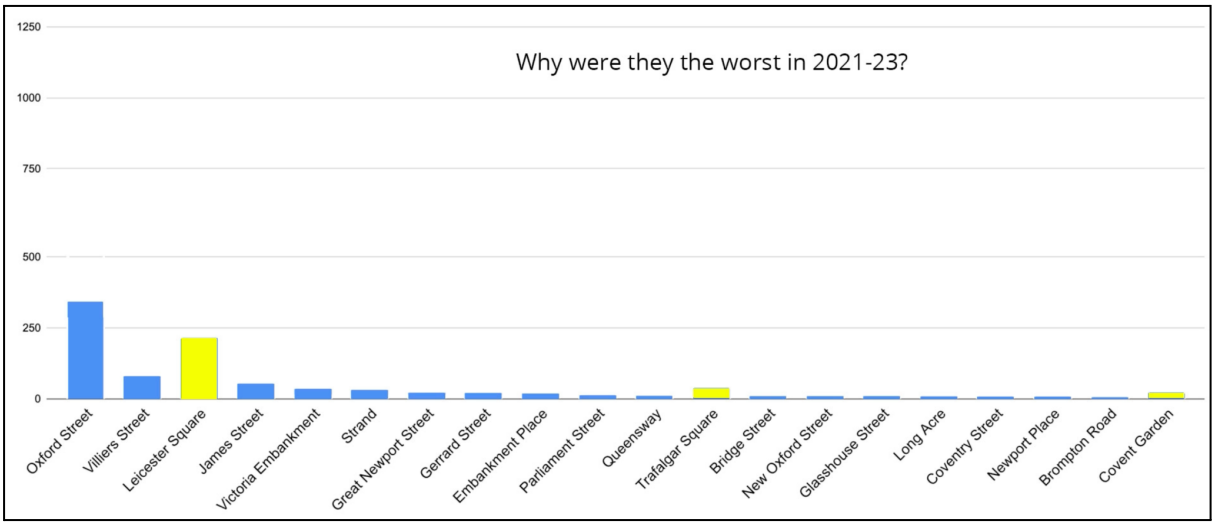
We have raw complaints data for the period between December 2017 and December 2019, before the licence was enacted. Here are the number of times each location came up in a complaint:



Unfortunately, we don't have complaints data for 2021-23 (this has been requested from the council, who are yet to respond). However, are we really to believe that suddenly those three yellow areas are really that much worse than everywhere else since the licence came into effect? Why are *none* of the areas in blue mentioned in the 2023 report? Oxford street received 47x as many complaints in those years than Covent Garden. Is it really possible that Covent Garden became, in the years following 2019, one of the three worst-performing areas in Westminster?

I can only think of three reasons why those areas took up all the air time in the report's 114 pages:

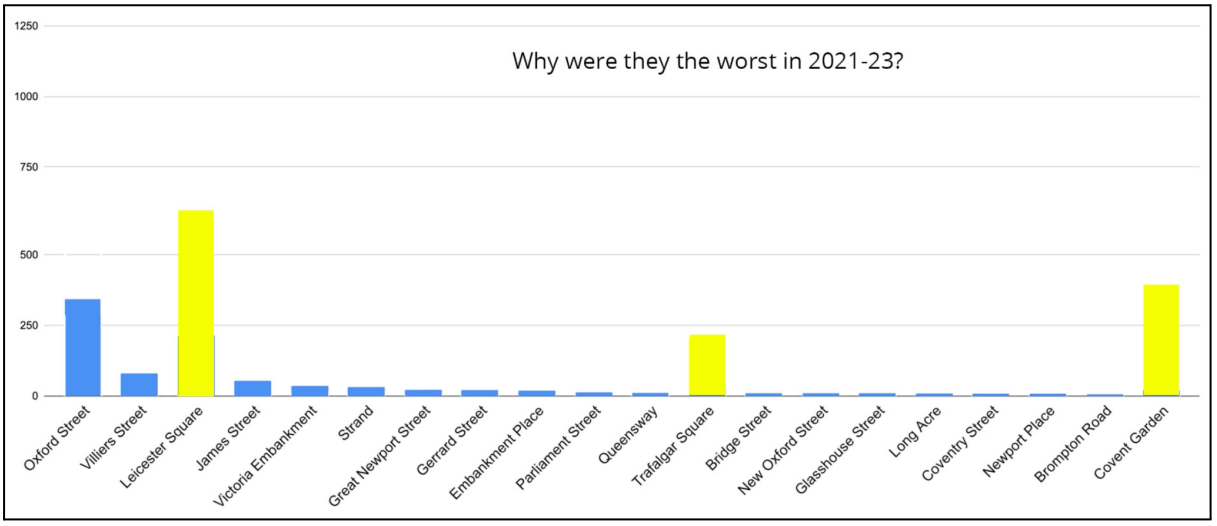
Option 1: Complaints went down everywhere else:



I don't believe this, because if the council really had managed to decrease complaints in all the blue areas:

- The complaints data would have shown a *massive* reduction in complaints.
- The report would be calling the scheme a huge success
- If complaints went down everywhere else, they'd likely also have gone down in the yellow areas

Option 2: Complaints went UP in the three yellow locations:



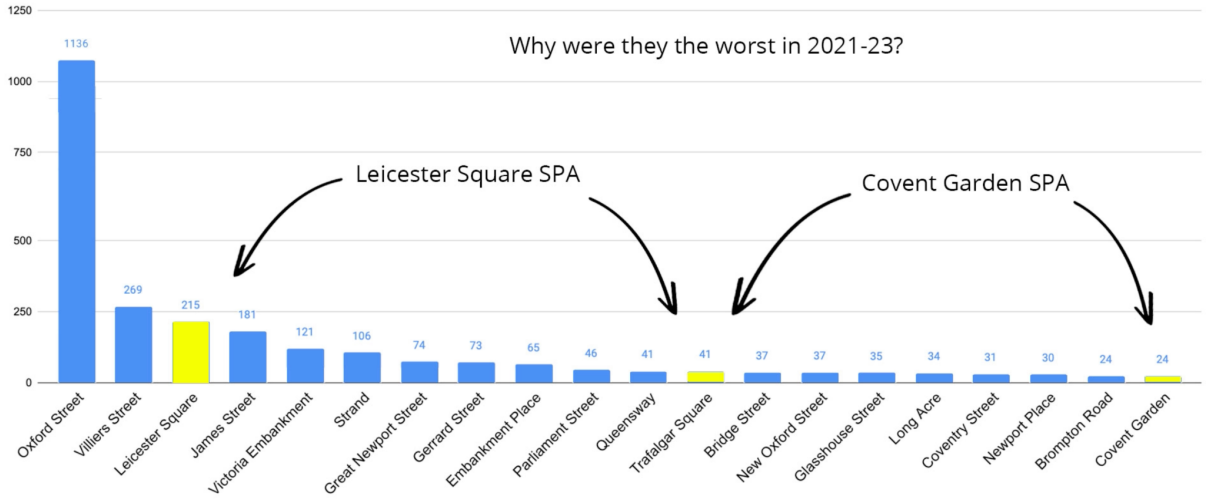
Another option is that the council took these three popular pedestrianised tourism hotspots in which busking has taken place for centuries…and absolutely ruined them. This would perhaps be the worst outcome. Those three plazas are beloved tourist hotspots where people intentionally go to watch street performers, and where buskers make most of their money. Thankfully, this is very unlikely to be true, because The CGSPA entirely ignored the licence. i.e. The licence changed nothing in Covent Garden.

Option 3: Those three yellow locations have something else in common.

There is a third option: that the council has singled those three areas out for attention because they all share something in common.

Bottom left: Trafalgar Square. Top left: Leicester Square. Right: Covent Garden

First, they're all plazas, but I don't see how that would be an issue. They're also all pedestrianised, but you'd imagine that would work in their favour. So what is it about those three areas that would single them out for particular focus, at the expense of every other location in Westminster? The only thing I can think of is that they are performed on by members of the Street Performers Associations.



Many street performers believe that this is why the report is singling out those three locations for attention, while ignoring everywhere else: they are the best spots where buskers can make the most money, and they are performed on by buskers who are enrolled in the two street performers associations.

The *real* target of the report's authors (as far as the street performers believe) is not the complaints hotspots, but the busker associations. Get rid of them, and the council's enforcement teams could basically do what they like to the street performers.

And as you can see below, there are *lots* of attacks on the street performer associations.

5. Lying about self-regulation of the CGSPA

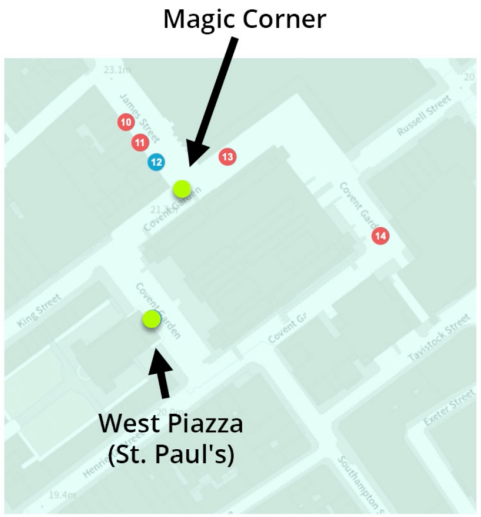
In the 2023 report, its authors wrote that, “self-regulation had been considered previously, but issues with obstruction and noise persisted.”

The Covent Garden Street Performers Association (CGSPA) had been told in 2020 that they would be left to self-regulate, as they had done for decades. But the council added their pitches last-minute, announcing their intention to do so in the December 2020 report. The 2020 report justified this by saying that although the CGSPA had a “Code of Conduct” that covered the area, “Complaints however continue to arise even here”. In other words, the CGSPA’s rules were failing to deal properly with the issues in Covent Garden.

The complaints data pre-2019 *clearly* shows that this is a lie.

The Covent Garden Street Performers Association manages two pitches. One of them is the iconic ‘St Paul’s’ pitch, otherwise known as the ‘West Piazza’. That’s the famous one, used exclusively by ‘circle shows’ (the comedy/stunt/juggling acts that get huge crowds). The other is ‘Magic Corner’, right at the end of James Street, used by magicians. Both pitches are fully amplified, and both pitches run for about 11 hours per day.

Here are the locations of the CGSPA’s two pitches, and read how the council describes the organisation itself:



2023 Report:

“The Covent Garden Street Performers Association has been operating since the 1980s and has implemented...a performer-run and self-regulated system [with] its own rules, governing body and disciplinary scheme...dealing with any problematic performers and ensuring insurance coverage and acceptable noise levels. They utilise a yellow and red card approach for addressing misconduct, including suspensions for repeated bad behaviour.”

It sounds good, and the complaints data clearly shows their tactics work:

James Street
Between 2017 and 2019 there were 181 complaints about busking noise on James Street. 85 of those complaints had a description with some identifying details, and 96 did not.

Of the 85 with details:

- 3 weren’t about buskers
- 24 were up the other end of James Street, so weren’t about Magic Corner

- 1 was all the way over on Oxford Street
- 42 of them were about musicians, not magicians
- 8 mentioned Magicians
- 7 mentioned some form of the word “shouting” (so we’ll count these as about magicians)

So, of the 85 complaints that we have identifying details for, there were 70 that were definitely *not* about CGSPA members, and 15 that probably were. i.e. of complaints with descriptions, only about 18% were about Magic Corner.

Of the indeterminate 96 complaints that are remaining, 25 of them mentioned “amplified music”. I reckon that means they were more likely to be about musicians, but as magicians do sometimes perform with backing tracks, we’ll ignore that.

Multiplying 96 by 18%—our best guess for how many of them were about CGSPA magicians—adds another 17 complaints. This brings the total number of complaints that are probably about Magic Corner to 32. In other words, of the 181 complaints on James Street, only 32 (or 18%) were likely about CGSPA members.

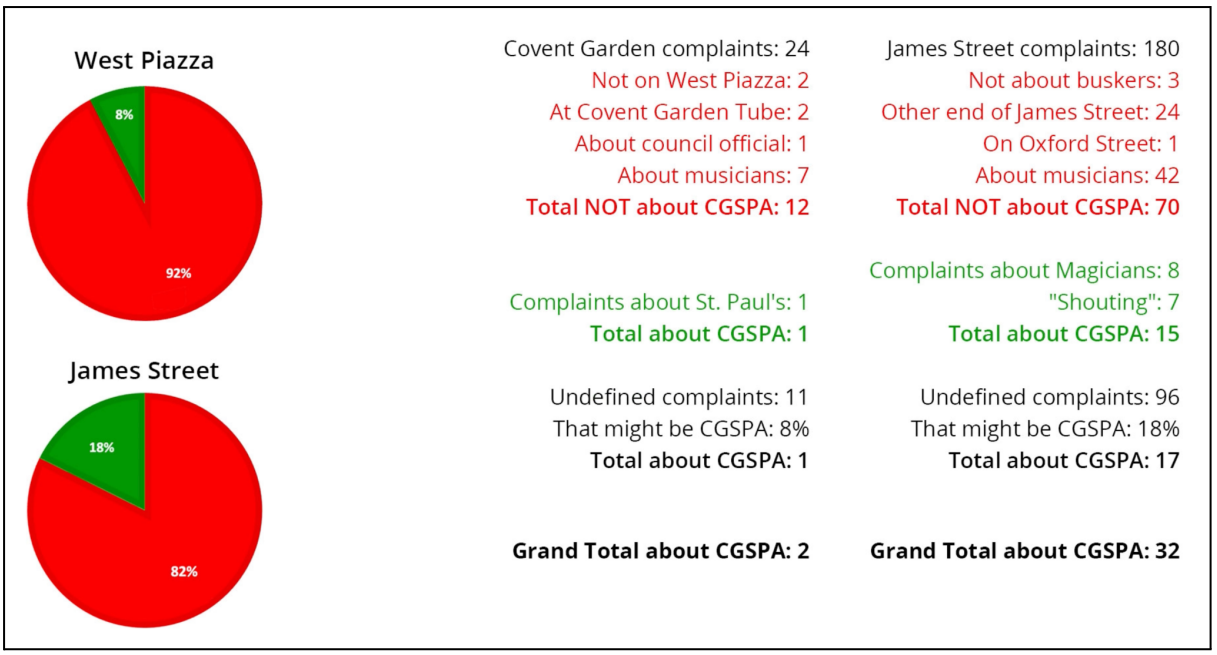
West Piazza/St. Paul’s
We can do the same maths here. Of the 24 complaints in Covent Garden, 13 had identifying details and 11 did not. Of the 13 we can identify:

- 2 definitely weren’t on the West Piazza
- 2 were misplaced, and were actually next to Covent Garden Tube Station
- 1 was actually a complaint about a council official
- 7 were about musicians
- 1 was about the West Piazza pitch.

It’s pretty funny that of the complaints we can identify, there were just as many complaints about a council official as about the CGSPA pitch.

Anyway, that’s 1 complaint about CGSPA members out of 13 — or 8% of the complaints. Multiplying 8% by the 11 remaining nondescript complaints, and that adds another 1 complaint about the West Piazza, bringing the total to 2.

Here’s an easier visual of all that maths:



How many complaints should we expect?
As stated before, each of those fully amplified, self-managed pitches runs for 11 hours per day. Shows last 30 to 45 minutes on those pitches, meaning that every day there are about 34 shows put on by the CGSPA. That's 12,410 shows per year. Between 2017-2019, the CGSPA pitches received 34 complaints, or 17 per year. In other words:

- For every complaint the CGSPA received between 2017 and 2019, they performed 730 fully-amplified shows. 44 million people visit Covent Garden annually, so it's pretty incredible that the CGSPA only got 17 complaints per year.
- Covent Garden is probably the world's most famous busking ecosystem, mainly because of the two pitches the CGSPA runs, and those two pitches racked up only 0.85% of the complaints about buskers in the borough, despite continual amplification. Obviously amplification is not the problem.

Is this surprising?
Of course not. The Covent Garden SPA's code of conduct and system for disciplining its members has been practised and refined over decades. That's why the CGSPA had an arrangement with the council, the market's private land managers and other stakeholders in the area since 2007. How many million people visit specifically for the buskers? How many tens of millions of pounds do the buskers bring in?

Is this not all evidence that the CGSPA is *stunningly* successful?

Try to put yourself in the position of the Covent Garden Street Performers Association managers for a second. Forty years of history, a robust system of self-regulation, a clean record, a good relationship with local businesses *and* the landlord *and* the council…and then, with no explanation, the council criminalises the vast majority of your shows.

6. Operating without Targets

Instead of congratulating the CGSPA for a phenomenal job at keeping complaints to a minimum, that 2020 report was worded to make the SPA sound ineffective. They could only get away with this because the council has never published complaints targets. Without targets, then *any* complaints could be counted as too many.

So, let's create some targets.

Covent Garden, Leicester Square and Trafalgar Square have an annual visitorship of 140 million people. We're going to take that as the number for how many street shows are enjoyed in Westminster. This is obviously very rough maths:

- Lots of those visitors will be there outside of busking hours
- However, lots of them will see more than one show
- And there are a ton of other busking pitches (official and unofficial) around the rest of Westminster

140 million ÷ 365 = 384,000 'contacts' per day. If we add the 200,000 residents of Westminster, and ignore the 700,000 employees (many of whom work in and around Leicester Square, Trafalgar Square and Covent Garden), that brings us to a daily potential complaint pool of 584,000.

Between April 2022 and March 2023 (the second full year of the licence existing), buskers in Westminster received 1,907 complaints — that's 5.2 complaints per day. Divide the complaint pool by the complaints, and you see that **buskers reached 112,000 people per complaint**.

91% of Britons watch or listen to the BBC every week. That's 61.3 million people. Assuming all of them consume BBC content every day, that brings the BBC's annual audience in the UK up to 22.4 billion. Britain's Office of Communications (Ofcom) receives 500,000 complaints about the BBC each year. Divide one by the other, and **the BBC had 45,000 contacts per complaint**.

Evidently, buskers are far less objectionable than the BBC.

There will *always* be complaints about buskers. For example, one complaint in 2018 was about an 'unlicensed' busker. This was three years before a licence existed. Others talk about the fact that the noise of the buskers is too loud when they have their windows open. Others object to having to walk around a busker's audience. You will never get 'zero' complaints.

So what the council needs to do is set targets for how many complaints they are comfortable with in return for all the benefits busking provides the city.

7. Almost definitely lying that complaints in Covent Garden went up significantly in 2021-23

The 2017-19 complaints data showed that there were 181 complaints listed about James Street and 24 complaints within the Covent Garden Plaza. By adding up the numbers the council has for complaints about buskers between April 2021 and March 2022, we can see that in the first 12 months of the licence scheme, there were 2818 complaints about street performers.

- Before the licence: 1995 complaints per year.
- After the licence: 2818 complaints in the first 12 months.
- That's a 41% increase in complaints about buskers overall.

Was there a 41% increase in complaints about buskers in Covent Garden? No. The CGSPA submitted an FOI request back in 2022, asking the council for the Covent Garden complaints data. Here's the data that the council provided, plus the average number of complaints each of those areas got per year between 2017-2019:

Location	**2017-19**	**2021-22**
Bedford Street	1	1
Covent Garden	12	33
Cubitt's yard	0	1
Floral Street	5	3
James Street	91	17
King Street	2	1
Long Acre	21	5
New Row	1	4
Odhams Walk	3	1
Rose Street	0	1
St Martin's Lane	6	7
TOTAL	**141**	**77**

What do we learn? There does seem to be a significant increase in complaints within the Covent Garden plaza, but there's a significant decrease in complaints on James Street. In fact, instead of showing that there was a 41% increase in complaints in the ward of Covent Garden, there was an overall 45% *decrease*.

Also, remember that between 2017-19, only 8% of the complaints in Covent Garden were about the West Piazza, and only 18% of the complaints on James Street were about the Magic Corner pitch. Multiplying those proportions by the data we now have for 2021-22, and we get 3 complaints for James Street and 3 complaints for the West Piazza — a grand total

of 6 complaints about CGSPA pitches—a 41% reduction from the 17 complaints per year in 2017-19.

Unfortunately, this is not where this ends; the numbers are about to get weird.

The CGSPA put in another FOI request in 2023, asking for the council's complete dataset about in Covent Garden over the two years since the licence came into effect. Unfortunately, the council's response was completely stripped of any identifying data. Instead of providing descriptions of the complaints and location data, here's what the council provided:

Refval	Service Request	Area	Street	Received Date	Event Time
21/25328/CIBSEI	Busking & Street Ent complaint	Covent Garden		16/08/2021	10:58
21/25465/CIBSEI	Busking & Street Ent complaint	Covent Garden		17/08/2021	13:10
21/25586/CIBSEI	Busking & Street Ent complaint	Covent Garden	Covent Garden	18/08/2021	11:04
21/25620/CIBSEI	Busking & Street Ent complaint	Covent Garden	Covent Garden	18/08/2021	14:56
21/25696/CIBSEI	Busking & Street Ent complaint	Covent Garden	Covent Garden	19/08/2021	11:21
21/25862/CIBSEI	Busking & Street Ent complaint	Covent Garden	Covent Garden	20/08/2021	15:04
21/26048/CIBSEI	Busking & Street Ent complaint	Covent Garden		22/08/2021	14:36
21/26187/CIBSEI	Busking & Street Ent complaint	Covent Garden		23/08/2021	16:07
21/27920/CIBSEI	Busking & Street Ent complaint	Covent Garden	James Street	06/09/2021	19:51
21/35047/CIBSEI	Busking & Street Ent complaint	Covent Garden		08/10/2021	15:49
21/36275/CIBSEI	Busking & Street Ent complaint	Covent Garden		14/10/2021	11:04
21/36797/CIBSEI	Busking & Street Ent complaint	Covent Garden		16/10/2021	18:10
21/36798/CIBSEI	Busking & Street Ent complaint	Covent Garden		16/10/2021	19:12
21/36801/CIBSEI	Busking & Street Ent complaint	Covent Garden		16/10/2021	19:16

The spreadsheet showed that over the first two years of operation, there were 30 complaints total on James Street , 117 in Covent Garden and 267 in total. We can deduct the numbers they provided in their previous FOI request to get totals for 2022-23:

Location	**2017-19**	**2021-22**	**2022-23**
Covent Garden	12	33	84
James Street	91	17	13
Total (including other streets)	**141**	**77**	**190**

There appear to be seven times as many complaints in Covent Garden in the last 12 months, when compared with the average between 2017-2019. That is a massive increase. And yet, there seems to have been an 86% *decrease* in complaints on James Street.

Things get even weirder when you look at the complaints totals for Covent Garden, compared with complaints across the entire Westminster Borough:

	2017-19 (per year)	**2021-2**	**2022-3**
Westminster	1,995	2,818 (+41%)	1,907 (-32%)
Covent Garden	141	77 (-45%)	190 (+146%)

We have so many questions:

- Why is it that the complaints in the region of Covent Garden (including James Street and surrounding areas) massively decreased in 2021-2 and increased in 2022-3, when complaints across Westminster did the exact opposite?
- Why is it that in the FOI requests the buskers submitted the council said that there were 267 complaints about Covent Garden over the two years, but in the 114 page report it says there 305 complaints over that same time period? Which figure is correct?
- Why is it that complaints about buskers within the Covent Garden Market seem to have gone from 12 per year to 84 per year, while the complaints on James street have gone from 91 to 13 complaints per year?
- Why have there been any significant changes on CGSPA pitches at all, considering the fact that the CGSPA has continued running those pitches in the same way it has always done?

There is one final datapoint that makes the council's numbers look even more fishy: According to Shaftesbury Capital (the real estate investment trust that owns the Covent Garden Market), there have been no issues regarding street performance in the market. If there really had been a sevenfold increase in complaints within the Covent Garden plaza, why haven't the property owners heard about it?

All of the above looks really suspicious. The complaints numbers seem to be totally random, the government has put out contradictory numbers and none of the above makes sense.

However, *even if we trust the council* that complaints within Covent Garden have gone up to 84 per year, if only 8% of those are about the CGSPA-run pitches, then the West Piazza created a total of 7 complaints in 2022-3, despite over 4,000 hours of amplified performances over the same time. That's 793 shows per complaint.

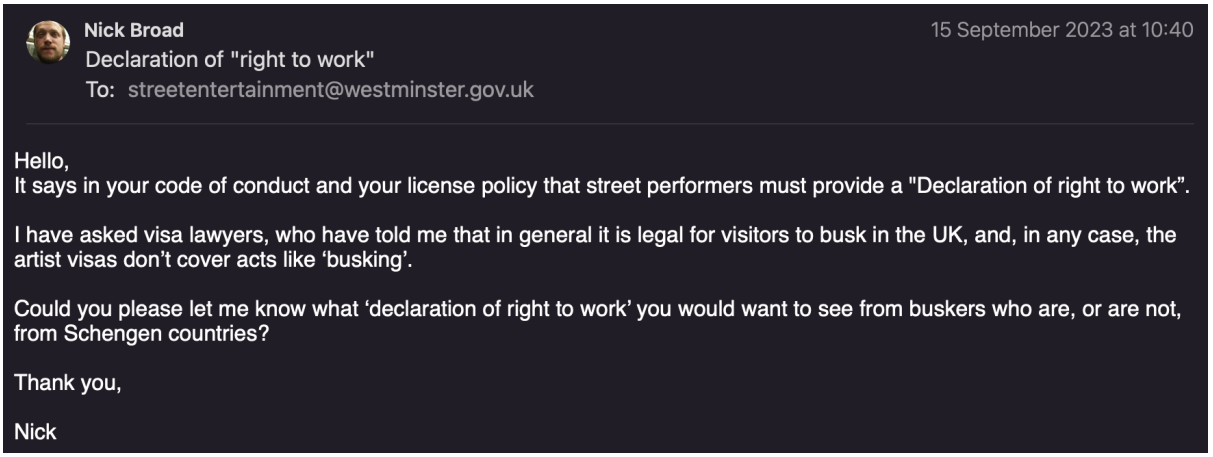
Another way of looking at it is that over a million people would have watched a street show on the West Piazza in 2022-23, in return for just 7 complaints. Worth it, right?

8. The council *accidentally* criminalised touring buskers

The policy says in its “Licensing Application Process and Procedures”, that to get a licence, a busker needs a “Declaration of right to work” in the UK. Without it, their licence application will be rejected.

According to the person I spoke to at Viva la Visa, there are no UK visas (arts or otherwise) that would cover busking. Buskers wishing to perform in the UK only need to arrive, getting a tourist visa if they’re from a country that would require such a thing.

So, I sent the following email to Westminster:



Nick Broad 15 September 2023 at 10:40
Declaration of "right to work"
To: streetentertainment@westminster.gov.uk

Hello,
It says in your code of conduct and your license policy that street performers must provide a "Declaration of right to work”.

I have asked visa lawyers, who have told me that in general it is legal for visitors to busk in the UK, and, in any case, the artist visas don’t cover acts like ‘busking’.

Could you please let me know what ‘declaration of right to work’ you would want to see from buskers who are, or are not, from Schengen countries?

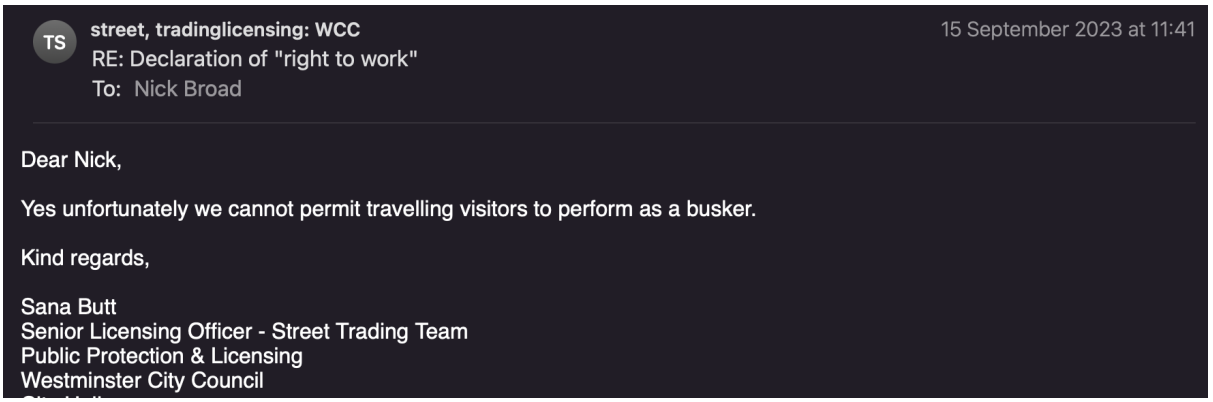
Thank you,

Nick

I got a very prompt reply from Westminster’s Senior Licensing Officer on their Street Trading Team. She told me that I should go to this link, in order to get a “share code”, proving my “right to work”:

https://www.gov.uk/prove-right-to-work/get-a-share-code-online

There, it said that buskers need either a residence card or a visa. I responded to Westminster’s email, letting them know that travelling buskers wouldn’t have a residence card, and, again, there was no visa covering street performance. So, I asked, had Westminster banned travelling buskers from performing in the borough? Their response:



TS **street, tradinglicensing: WCC** 15 September 2023 at 11:41
RE: Declaration of "right to work"
To: Nick Broad

Dear Nick,

Yes unfortunately we cannot permit travelling visitors to perform as a busker.

Kind regards,

Sana Butt
Senior Licensing Officer - Street Trading Team
Public Protection & Licensing
Westminster City Council

So yes. Westminster had banned touring street performers from busking in Westminster. And yet, here's the opening paragraph of the report from 2020, the one recommending that Westminster create a licence:

> "Located in the heart of central London, Westminster's streets are brought to life with performances by buskers and street entertainers, who come from all over the world to perform here and play an important role in the vibrancy of our City."

That's paragraph 1.1, page 1. Travelling buskers weren't just important for the city, they were considered *the first thing* worth mentioning in that 2020 report.

Between April 5th 2021 (when the licence came into effect) and September 15th 2023 (when we had that conversation), 893 days had passed, and this is the first time that the council had ever written publicly that internationally travelling street performers are banned from busking in Westminster. In fact, it sounds like this might be the first time the council *realised* that it has banned internationally travelling street performers. I *think* that evidence seems to show that the council *accidentally* banned travelling buskers. Just, straight up banned one of the best things about London's street scene, by accident.

I have asked the council whether this was an oversight or intentional, and hopefully they'll get back to me.

9. They *intentionally* criminalised a lot of other shows

In the “Standard Licence Conditions” of the busking policy, point (14) states:

> “No naked flame, pyrotechnics, fireworks, knives, sharp objects or similar shall be used as part of the performance.”

The shows in Covent Garden regularly use specially-designed juggling knives, chainsaws, axes and other dangerous props to wow the crowds, and have been doing so for decades. Some even swallow swords. Buskers on the West Piazza have told me that about 80-90% of their shows involve some kind of dangerous prop.

Their shows are not actually dangerous. The props are designed for juggling. They are blunt, harmless objects. However, they are still banned under the terms of the licence.

So, the council *accidentally* banned a huge number of buskers who perform in Covent Garden, by demanding ‘right to work’ on licence applications. And they *intentionally* banned about 80-90% of the other shows there.

In other words, there would have been absolutely no point in the Covent Garden Street Performers Association telling its performers to get licenced, as the licence banned their shows.

10. They lied about why the CGSPA ignored the licence

The volunteer directors Covent Garden Street Performers Association was therefore given a choice:

1. They could get their members to sign up to a licence that would ban in excess of 90% of their shows.
2. Or, the SPA could tell its members to simply ignore the licence, and continue to manage their pitches in the way that has kept complaints to a minimum for years.

They chose the latter. Is this how the council report presented the facts? Of course not. Instead, its authors suggested that buskers may not have gotten a licence because:

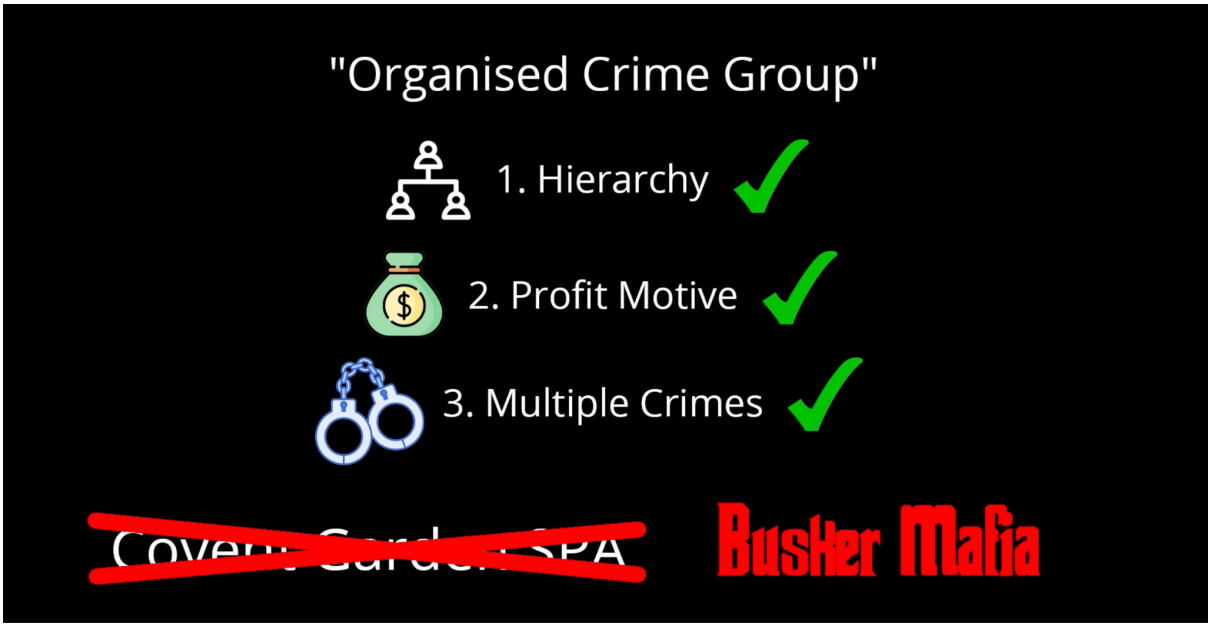
- They wanted the flexibility to move around the city
- They may have unspent criminal convictions
- They wish to avoid scrutiny from state agencies such as HMRC
- They do not agree that the licensing regime should apply to them.

It may be useful for the council to portray the buskers as roaming tax-dodging criminals who believe they're above the law, but there are lots of other reasons why someone might not sign up, for example:

- The SPA already self-manages in a way that virtually eliminates noise complaints, and have done for decades
- They use so-called dangerous props in their show
- They couldn't provide a "right to work" declaration, because it doesn't exist for street performers
- They can't afford the Public Liability Insurance mandated by the council
- They are homeless, and can't provide the home address required on a licence application
- They don't speak English as a first language, and were unable to navigate the council's English-only website
- There simply isn't enough space for everyone to perform legally, so what's the point of even trying
- They don't believe that a relatively new council should be able to criminalise a cultural tradition dating back at least three centuries in Central London
- They are offended at how the council has treated them — for example, suggesting that they are tax-dodging criminals who think they're above the law
- They don't believe that a system should exist where buskers can be stripped of their livelihood and treated like criminals, for simply continuing to busk in a pedestrianised plaza.

Unfortunately, recommending to their members that they ignore the licence put the CGSPA in a sticky position: the three key characteristics of what's called an "organised crime group" is that they have a hierarchy, a profit motive and commit a series of crimes over an extended period of time. The SPA is run by a few volunteers, the shows the buskers put on make money, and every one of them is a criminal act. In other words, Westminster City Council has turned the CGSPA into the 'busker mafia'.

I made that joke in a group chat with some SPA members. They didn't find it funny. "The council has already used the term 'mafia' in meetings to describe us," one said, "let's not do that work for them."



11. They lied about why buskers aren't renewing their licences

The 2023 report included a table on page 12 breaking down how many "new", "renewal" and "variation" licences they awarded. Variations are amendments to existing applications, so they can be treated as renewals.

	Applications received		
Year	New	Renewal	Variations
2021/22	320	13	11
2022/23	439	54	21

This means that over the two years, the council awarded licences to 759 street performers, and just 99 renewals. The maths is a little hazy (licences only lasted six months, so an individual street performer could account for up to three renewals by themselves), but this means that the turnover rate is likely well over 85%.

In other words, for every 100 street performers who get a licence, the council would only expect 15 of them or fewer to actually renew their licence.

The report blames that on the "transient nature of buskers". But, this can't be true, as transient buskers (i.e. buskers from abroad) are already banned from getting a busking licence in Westminster. They also blame "seasonal trends". Their introspection concludes: "the low levels of renewal applications compared to new applications seem to be a standard theme within this regime"

However, Rachel Meir from Busk in London responded to a question I emailed her about the turnover rate in their London-based busking program. She told me that their turnover rate is nowhere near 85%—in fact, she said, the turnover rate in Busk in London is around 22%, and most of their performers stick with them for years.

12. They created a scheme that was never going to be able to sustain enough street performers.

It looks from the council's data that there are 759 street performers who signed up for a licence in the first two years of the licence's operation. That's 380 buskers per year. This is not an exact number, but it'll likely be a good ballpark for how many buskers had a licence at any one time.

The CGSPA says that it has about 100 members, and none of them were licensed. That brings the number up to 480. There were likely hundreds more musicians who never applied for a licence, but came to Westminster to busk. After all, there are 600 buskers in the Busk in London program, there are 1,200 buskers registered in London on the website busk.co.

So, let's take '600' as an estimate for how many buskers busk in Westminster.

The policy criminalised busking on over a thousand streets. Today, it is a crime to busk on 99.999% of land in Westminster. Although the borough has a land area of 21,470,000 square metres, it's only legal to busk on just 207 m^2, split between 26 pitches.

Between them, those 26 pitches are open for an average of 267 hours per day. However, because of the regular closures of Trafalgar Square and Leicester Square for events, the buskers are left with an average of 246 hours to share. With 5% of those hours being closed

for rain (this is a wild guess, but every busker I've spoken to estimated that rain cancels a much higher number of shows), that leaves the 600 street performers in Westminster with an average of just 23 minutes each to busk on per day.

That maths is much worse for amplified shows. There are just five licensed pitches that allow amplification. One of them the council decided should go on a traffic island in the middle of a two-lane roundabout, a placement so dangerous that buskers have to stop performing the moment they get a crowd. Another amplified pitch was placed all the way out in an unpopular location in Marble Arch, a pitch that's so low earning that nobody uses it:

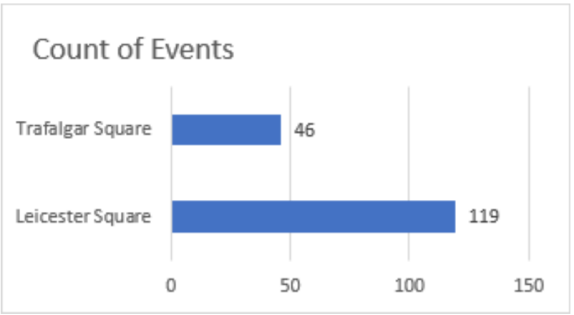
Traffic Island

Marble Arch

That leaves just three viable amplified pitches: West Piazza (in Covent Garden), Leicester Square and Trafalgar Square.

For an amplified musician, the West Piazza is out of bounds, as that pitch has been used exclusively by circle shows since the 1980s. This leaves just Leicester Square and Trafalgar Square for use by everyone else. Those two licensed pitches have a total of 22 hours of amplified pitch space per day.

However, Leicester Square and Trafalgar Square are the two pitches that are most often closed for events. This is the graphic given in the council's 2023 report, detailing how often they'd been closed over the previous 26 months:



The report also stated that the average event lasts 2.8 days, meaning that those pitches were closed for a cumulative 231 days between them, bringing the average number of hours

per day that those two pitches are open to just 15 hours. Take off another 5% for bad weather, and we're down to 14.3 hours of usable amplified pitch space per day.

14.3 hours per day, split among the *hundreds* of buskers who'd like to use those pitches. If those pitches were split equally between each act, a busker would get less than two minutes of amplified pitch time a day — or a full show once every fifteen to twenty days.

This is why there is so little point in getting a licence. You are all-but guaranteed to be contravening the terms of the licence if you sign up.

13. They didn’t warn buskers about pitch closures

When you do the maths, the chance of both Trafalgar Square and Leicester Square pitches being closed on the same day is (59/365) x (154/365) = 0.0682.

Multiply that by the 365 days of the year, and you see that both Trafalgar Square and Leicester Square pitches should be closed at the same time about 25 days per year.

[Actually, according to the buskers, pitch closures are generally more common on weekends and during the summer and winter tourism spikes, so the real number of dual-closures is likely higher, and, on average, on high-earning days.]

So, approximately 25 times a year, hundreds of street performers would pack up their equipment, leave home and commute into town only to find that there’s nowhere in Westminster that they can legally busk, *whether or not they had a licence*.

According to the report, 70% of street performers had no idea how to check for pitch closures, because the council didn’t tell them. So, the report recommends—two years too late mind you—that the council should consider “additional communication options” about pitch closures.

Considering the council sold buskers the right to busk in their borough, the report should probably also have recommended giving their licensees an apology.

14. They pretended their licence was ‘light touch’.

- The world famous touring performers are banned
- 90% of Covent Garden’s shows are banned
- Busking is banned on 99.999% of Westminster land, including on over a thousand streets
- Buskers get less than 2 minutes of amplified pitch time per day
- Breaking the rules comes with it the threat of criminal records and having your livelihood stripped from you

This is what the council repeatedly called “light touch”. It is scary to think what they might have implemented, if they weren’t trying to be so nice.

In fact, Westminster has inadvertently turned street performance into the borough’s most commonly committed crime. None of the street performers on the West Piazza and Magic Corner have licences. Therefore, each show is a crime. Just those two pitches account for about 8,000 crimes a year. Add all the crimes committed by all the other buskers on all the other pitches intown, and, well, the already saturated crime rate in Westminster looks like it just got a lot worse.

15. They also pretended their licence was ‘self-regulating’.

I think we can all agree that there is “regulation” and “self regulation”.

Regulation, in this case, includes the application rules (stating who is eligible for a licence) and the terms under which you can get your licence suspended (like, busking in the wrong place). The *regulations* state that illegal busking can lead you to being fined, taken into custody and have your equipment confiscated. All the above clearly falls under the heading “regulation”.

As for *Self*-regulation, the council says that buskers are expected to follow a “voluntary” code of conduct. That code of conduct states that buskers should:

1. Hold public liability insurance of at least £2 million
2. Don’t use dangerous props
3. Don’t bring unlicensed animals to accompany you
4. Only busk between the hours of 10am and 9pm
5. Avoid being too loud
6. Don’t power amps with external power sources
7. Be aware that noise can be generated by the audience
8. Don’t busk too close to other buskers
9. Never obstruct property entrances/exits or pavements
10. Co-operate [sic] with requests by Authorised Officers and the Police
11. Only sell merch if you have permission
12. Make sure no one could trip over your equipment, nor leave it unattended
13. Respect other buskers and cooperate with any queuing system they have
14. Talk to the council and the local community, and use the Forum
15. Don’t busk for longer than 40 minutes with a 20 minute break in between
16. Have a full and varied repertoire

In actual fact, the first eleven items on that list are part of the policy and application process. There’s nothing voluntary about them.

As for 12 and 13 (looking after your equipment and cooperating with other buskers), I can’t find a single complaint between 2017-2019 that mentions these as issues. They are simply unimportant.

As for 14, it was up to the council to implement the forum, and they decided not to. The council has also made it clear that they only ever want to talk to the *representatives* of buskers, and not the buskers themselves. And I’ve seen email threads between street performers and council employees where the buskers are begging the council to meet up to discuss busking issues, and are rebuffed and ignored every time (one such thread lasted 8 ½ months!).

As for 15—the 40 minute show, 20 minute break rule—that shouldn’t be there at all. In the first draft of the policy, this *used* to be in the licence conditions. But, so many buskers

complained about this specific point that the council agreed to take it out. It's probably an oversight that it has somehow remained in the Code of Conduct.

Which means the *only* thing in the Code of Conduct that could be considered self-regulating is point 16: having a full and varied repertoire. Is that really what the report means when they say the licensing regime was supposed to be self-regulating? All the other things they're complaining about are literal crimes by the terms of the policy. I'm not sure what else is left up to the busker.

16. They probably broke two union protection laws.

On the application form to get a licence, it asks performers to state their Union Membership Status.

According to every legal service and advisory body I could find, it's highly unethical for an authority to ask such a question. According to a high-ranking union rep I got in touch with (unrelated to busking, but familiar with the law), it is plainly illegal to make decisions based on whether (or not) someone has a trade union membership, so asking that question is *at best* pointless, and at worst a crime that could lead to legal actions being taken against the council.

Also, according to the protections enshrined in the Data Protection Act of 2018, union membership status is regulated under "Conditions for sensitive processing". The council has no need, right or incentive to know if a busker is a member of a union, so storing that data *might* be a crime even if they *don't* act upon it.

17. They published a deeply-flawed “impact statement”

The report had just one “impact statement” at the bottom of its 114 pages. No, not the words of a street performer, they were the words a business located in Leicester Square.

First, the impact report wrongly claims that Leicester Square is not a place where people go to watch buskers. Both Google Maps and Trip Advisor are clear: the most common and popular thing to mention is the street performers, and *many* people say it’s the only reason to go there.

Worryingly, lots of people have mentioned that Leicester Square has gone downhill. It’s unclear why: there are five hotels, three cinemas, an M&M’s store, a Lego store, a Greggs, 4 transnational trans fats sellers, 4 alcohol dealers, 2 gambling enablers, 1 caffeine dealer, 1 sugar dealer and 1 nicotine dealer. That’s 9 businesses praying on people’s addictions, five clogging their arteries, two billion-dollar American corporations plus a bunch of cinemas and hotels. Imagine what Leicester Square would be like *without* the buskers.

The impact report contained a second error, saying, “The acoustics of the square cause the noise to rise and build in the upper floors of the buildings surrounding the square.” By that logic, an infinitely tall Leicester Square would have infinitely loud noise at the top. I get it that sound reflects, but physics says it’ll bounce softer, not louder.

The report also complains that one of their directors can’t hold meetings if he’s sitting next to an open window. They are in, officially, one of the noisiest locations, in the noisiest borough of the noisiest city in the UK, one of the noisiest cities in Europe, and they’re complaining that they can’t work next to an open window. Yes, covid made open windows a safety feature, but has covid made it untenable to work in offices in the noisiest places on Earth, or has it put an end to centuries of busking in those places?

The Council’s Recommendations

18. The council is basically admitting defeat, before giving any other recommendations.

There are seventeen recommendations near the end of the document’s 114 pages on changes the council’s officers think are needed. However, those recommendations are prefaced with a huge number of deeply troubling addendums:

> “Should the decision be made to continue with the existing scheme, it will be crucial to manage the expectations surrounding the Council's ability to address…issues related to busking.”
>
> “Businesses and residents should understand that while the Council will strive to respond to complaints…it must also balance these concerns with other priorities and existing resources.”
>
> “It is crucial to also consider whether the cost and resources required to ensure compliance would be proportionate to the needs for resourcing higher risk or priorities. Unfortunately, other priorities on both the Council and Police's limited resources will be a key factor in whether the scheme can be enforced effectively.”

In other words, given the fact that the council and police have limited resources, and given the council’s and the police’s other priorities, the council and police will be unlikely to be able to ever enforce the policy properly. So, it’s best to let locals know that they shouldn’t expect much to change.

(I don’t know if the council is being clever here or not. After all, if they lower everyone’s expectations, then people will stop complaining about buskers, meaning the number of complaints about buskers will go down. Then they can pat themselves on the back for a job well done.)

The report’s authors want to make another thing clear as well: that cooperation and engagement with street performers is “equally” important to enforcement.

So, the report says it needs to increase:

- Enforcement
- Cooperation
- Engagement.

Remember that.

19. Recommendation: Increase budget for enforcement

This is, unsurprisingly, the first recommendation. The council should massively increase their enforcement budget.

Actually, that's not quite true. The first recommendation is in fact this:

> "The Council and the Metropolitan Police should engage in further discussions associated with conducting further partnership compliance and enforcement action."

Earlier, the report had said: "Additional partnership action relating to the compliance and enforcement of this regime…will be subject to other Policing priorities not taking precedence and this approach is unlikely to be sustainable in the long term".

So…recommendation 1 is that the council should *talk about* partnering with the police, having admitted that the partnership is unlikely to be sustainable. Why? Well, Westminster already has 298 crimes per 1,000 people, which is 260% higher than the national crime rate. In 2017 the Met admitted it doesn't have the resources to prosecute low-level crimes (like shoplifting). Shoplifting has spiked during the cost of living crisis, presumably meaning they have even less time.

The report repeatedly states — without giving any figures or evidence backing this up — that Westminster is an increasingly dangerous place for its authorised officers, because buskers and their crowds are increasingly physically threatening them during the administering of their duties. What's telling is they say that despite that, when an illegal busker is busking illegally and physically threatening a council employee, that employee would tell the cops, and the cops would still do nothing.

That's how little regard the police have for Westminster's little experiment at criminalising street performance: Criminals, in the middle of committing a crime while physically threatening officers, are ignored by the police.

Then, a couple of weeks ago, Suella Braverman demanded that the police stop twiddling their thumbs and begin investigating "every theft". Unless the council rebrands street performances as theft, I can't see the cops suddenly caring about busking — and the report's authors give no reason why they should.

This leads to an interesting question: if individual buskers are flagrantly commiting hundreds of crimes per year, in the same locations, in broad daylight, in the centre of the busiest parts of town, on a constant schedule, and if they are even announcing their intention to commit said crimes in advance, with the line, ("It's showtime!"), why aren't more of them in jail?

And…well, what was the point of this again?

20. Recommendation: “Lose your licence or rat on your friends” clause

The report’s eighth recommendation is a change to the rules so that buskers can lose their licences for directing, “offensive language” at authorised officers or the police. They call this “unacceptable behaviour”. Even the House of Lords—not known for being anti-establishment—thought anyone should be allowed to insult anyone, including the police, when they voted to change the terms of the Public Order Act of 1986.

But that’s nothing compared to point ‘f’ in this list, which is so out there I had to read it several times to believe it. The report recommends that buskers shall “Fully cooperate with any investigation carried out by the Council or the Police in response to reported incidents or allegations of unacceptable behaviour,” and that fully cooperating would include, “assisting in the identification of any involved parties” being investigated.

So, let’s say buskers A and B have busking licences. We’ll call them Adam and Barry. Adam insults a member of the House of Lords. The Lord swells with pride at having defended freedom of speech in Britain, and continues on their way.

Barry, on the other hand, insults a council employee. Instead of moving on, that employee demands that Barry identifies himself.

Barry refuses.

The employee tells Adam to identify Barry.

Adam refuses.

Adam and Barry lose their licences.

This “lose your licence or rat on your friends” clause seems not just unfit for a council to recommend, but also seriously un-British.

And certainly not in the spirit of cooperation and engagement?

21. Recommendation: Worsen the relationship with Street Performers Associations in three different ways

Back in 2020, the council set up a ‘forum’ for discussions about the new licensing regime. It was described as “a bridge between the busking community and our local residents and businesses…in order to foster good relations and open communication and to promote partnership.”

In 2023 this has changed.

The council’s 13th recommendation is that the forum should exclude unlicensed buskers. Now the forum will act merely as a “communication channel between *licensed* buskers…and the council’s enforcement team.” (It won’t even include businesses or residents any more).

The council’s 15th recommendation is that they should remove mentions of the two current street performer associations from the Policy, because “The Policy should [only] promote SPAs who represent *licensed* buskers.”

The council’s 16th recommendation is that “The Council should consider listing *recognised* SPA’s as well as their contact information on the Council’s website.”

That’s machiavellian. In other words:

1. The council should refuse to mention the SPAs because they’re not 100% licensed.
2. The council should also refuse to debate the SPAs in the forums, for the same reason
3. But, should a *future* SPA crop up that agrees to demand that 100% of its members are licensed, then they could be mentioned and debated.

Are they doing this because the two SPAs are extremist organisations refusing to talk? No. The report notes that the Leicester Square SPA’s members are mostly licensed, expressed a willingness to collaborate, and the council’s own officers even suggested engaging with them. Also, that, “Officers met with the LSSPA on several occasions during this review. They were very helpful in discussing the issues they have had…as well as considering the issues that businesses have faced in and around Leicester Square.” How is that an organisation that should be removed from the policy and from the forum?

Also, the council is essentially saying that they want veto power over who’s sitting across from them at the table in the forum. Because, all they’d have to do to get rid of a street performer from the forums would be to cancel their licence. And if the SPA that busker is in only represents licensed buskers, that busker would also get kicked out of the SPA.

Do council officers really believe they should have veto powers over who gets to be on the other side of the table during negotiations? And can you imagine if a council tried to do that with a business association or trade union?

The report's authors evidently know how awful they're being. It's why they keep slipping into the passive voice.

[7.58] "The concept of SPAs is still seen as positive and worth supporting by the Council. However, *it was emphasised* that SPAs should only represent licensed buskers."

"*It is believed* that a new Forum should be established which is specifically for licensed buskers"

It's at these moments—when the report slips into externalising views onto nameless sources—that its authors sound at their most insidious. The rest of the aforementioned miscalculations and misinterpretations of the law could *conceivably* be mistakes. But trying to meddle with the governing rules of a trade association, while writing it as if it's an accepted viewpoint, established by outsiders, rather than their own opinion…*it is believed* that these are the words of some bitter employees trying to mislead the council.

And in case there's any confusion about the council's willingness to engage with street performers, I've been shown an email threat from a Covent Garden SPA representative who tried for 8 ½ months (between November 2022 and August 2023) to get the council to send someone to walk around talking about the issues with various pitches, and every time he was rebuffed.

So when the report says that:

> "All attempts…to engage with the Covent Garden Street Performers Association failed."

They've gotten things exactly backwards. Especially seeing as this was the council that didn't even meet its own obligation of holding a twice-annual forum.

22. Recommendation: Illegally try to avoid the council paying for a PRS licence

In [7.21], the report states that: “It is important to inform buskers that they may need to obtain a Performing Rights Society (PRS) licence…. The Council should provide an advisory section within the Policy relating to the liability associated with royalties and that this rest solely with the licensed busker.”

I was confused to find this in the recommendations, so I did some googling and it seems like no busker has ever been sued for playing copyrighted music. So I emailed Hayleigh Bosher, a Reader in Intellectual Property Law and Associate Dean at Brunel University London. Bosher produces “Whose Song is it Anyway”, a podcast devoted to issues surrounding intellectual property law in music, and is the author of a book titled “Copyright in the Music Industry: A Practical Guide to Exploiting and Enforcing Rights”. We organised a phone call.

On it, I told her the council’s position—that the busker needs to pay for the PRS licence. She called that position “completely wrong”. She explained that PRS charges *Local Authorities* for the use of live music on busking pitches. The moment the council demarcated where and when buskers could perform, they’d essentially created a busking venue, and should have started paying the “Local Authorities Tariff”. And that’s £10.93 per day.

As for the buskers themselves, PRS says: “Buskers who perform in the designated areas…need to report each performance to receive a royalty fee for each busking session.”

To be clear, if a busker performs original work on a pitch created by a council, PRS will *pay* that busker for providing their music £1.47 per show. If they perform someone else’s work, PRS will pay the songwriter that fee.

In other words, the music licence fees that councils pay PRS are redistributed to the songwriters of the music street performers play. The council’s position is not just entirely backwards, it robs songwriters of the money that’s lawfully and rightfully theirs.

Which presents us with two really distasteful options. Why has the council’s legal team got a clearly-written law so wrong?

1. The first option: Incompetence. Maybe the council’s lawyers simply didn’t understand the above. I don’t believe that. There’s no grey area here. The law is clear.
2. The other option is that they’re lying.

Obviously, I’m not in the heads of the report’s authors, but I can only think of one persuasive reason for them to lie: the council is trying to save money.

£10.93 isn’t much per day. But, the licensing regime started on April 5th 2021. So, at the time of writing this, the regime has been active for 900 days. Multiply that by 26 pitches, and by now they should have spent £255,762.

IF the council has avoided paying the PRS licence, then they have effectively stolen over a quarter of a million pounds (and counting) from the UK's songwriters.

The report uses the exact phrase "illegal busker" 39 times to describe performers who haven't gotten their legally mandated licence. To save time, and because I'm not petty, I haven't been referring to Westminster as the "illegal council".

But it is hilarious to me that a council calling buskers "illegal" for not getting a licence would itself avoid paying a licence, and, in doing so, rob those buskers of payments.

23. Recommendation: charge ‘good’ buskers for the actions of ‘illegal’ buskers

The 2023 report does not mention how much the council has actually spent (which should worry any counsellor), but we can do some quick maths. First, the report claims that the “processing and determining” of each licence application costs the council £200. In 2022/23 they processed 514 applications, which, according to their estimate, must have cost them around hundred grand (£102,800)

Then there’s the PRS licence. Unfortunately for Westminster, the local authorities busking pitch licence fee has just been increased to £13.12. Multiply that by 26 pitches, 365 days per year, and you get a hundred and twenty five grand (£124,509).

Combined, just those two figures come to £227,309.

And that figure doesn’t include:

- ‘enforcement’ or ‘monitoring’ costs
- The cost of responding to thousands of noise complaints per year
- meetings with key stakeholders
- public consultations
- data reviews
- writing 114 page reports
- council debates
- all the other related costs

Worse still is the fact that the report repeatedly asks the council to significantly increase its budget. The council needs to [Executive Summary, p6] “evaluate the cost and resource implications of addressing persistent noncompliant and illegal buskers…requiring a significant investment in resources and costs as well as ongoing support from the Police to achieve.” And, [7.12] “to actively address the issues…there will be a need for significant Council and Police resources over a prolonged time.”

How do they want to pay for this? By raising the application fees for new licences.

Now, I feel it’s important to mention that in the initial report back in 2020, the council estimated [9.1] “set up” costs would come to £73,500, and annual operational costs would be £43,985. Of that, they expected to earn £2,400 a year in licence application fees. That’s 5.5% of their expected costs.

In 2020 this was fine: the council admitted that in order not to erect a financial barrier, fees must be kept low. But in the 2023 report, the first mention describes them as “low licence fees”, then as “very low fees”, and then “extremely low”, preparing the counsellors for their recommendation that the fees be increased:

Okay, so let’s go through the logic of increasing the cost of the licence.

- The council thinks there are good buskers and bad buskers.
- The good buskers get a licence and play by the rules. According to the report, there “are little to no issues with buskers that comply with the licensing requirements and the Policy”.
- The good buskers pay their £20 application fee, which is low enough not to be a financial barrier.
- The bad buskers don’t get a licence. [6.25] “A significant level of impact is caused by unlicensed (illegal) buskers who have no regard to the noise they generate or to the obstruction they may cause when performing.”
- Those bad buskers require more enforcement, meaning more money, which the council wants to get by increasing the fees.
- Oops, they’ve just created a financial barrier. So, fewer buskers get a licence. That’s not to say fewer buskers busk, just there are fewer that bother getting a licnece.
- Fewer buskers in the “good” pile means there are more buskers in the “bad” pile, again increasing the enforcement costs. Will the council increase the fees even higher?
- Also, does the council not care that it will be charging the good people for the actions of the bad people?

24. Recommendation: remove amplification from Leicester Square

Remember how the hundreds of buskers in Westminster have to compete with each other for 14.3 hours of amplified pitch space a day?

The council wants to cut that down to about eight hours, by removing amplification from Leicester Square.

Of the hundreds of buskers who perform in London, almost all of them would *want* to perform amplified, and most of them *need* to use amplification.

Once the licence permits just a dozen acts to be amplified per day, what's the point of getting a licence?

25. Summary of recommendations

Remember, the council wants to a) increase cooperation, b) increase engagement with buskers, and c) increase enforcement.

So far, the council has recommended:

1. Increasing talks with the police, without suggesting why the police might suddenly start caring about whether buskers have licences
2. Adding a “Lose your Licence or rat on your friends” clause
3. Removing the SPAs from the Policy
4. Removing the SPAs from the forums
5. Replacing the SPAs with future SPAs that only represent 100% licensed buskers
6. Get buskers to pay for a music copyright licence that the council should be paying
7. Halving the number of amplified hours available to musicians in the borough
8. Create a financial barrier to getting a licence.

The council also wants to make six changes that will have no impact on how successful the licensing regime is:

9. Make pitch markings more durable and add information in braille
10. Let buskers know about pitch closures (it’s literally the least they could do)
11. Add language to the policy telling buskers to cooperate even more with officers and the police
12. And language telling them not lie on their application forms
13. And update the Code of Conduct to include those the last two points
14. And make sure that buskers under the age of 18 must have parental consent (without having made the case that this is anything more than a hypothetical problem)

And to round off this uninspiring bunch with three **nondescript recommendations**:

15. Assessing pitch locations, presumably to write about in a later report
16. Keeping the licence conditions under review
17. And Making any other ‘minor’ or ‘non-consequential’ amendments

In summary, the council’s seventeen recommendations are:

- 1 suggestion to talk more to the police. Literally just to talk.
- 2 suggestions that make it less attractive to bother getting a licence,
- 3 attempts to harm the SPAs,
- 1 restriction that would make even the landed gentry wince,
- 1 major improvement for the blind,
- 1 least-they-could-do courtesy,
- 4 insignificant text changes,
- 1 remedy for a problem that doesn’t exist, and
- 3 administrative items.

Or, another way of putting it:

- 1 suggestion that's unlikely to increase enforcement
- 6 that will *decrease* cooperation and engagement
- And 10 items I bet not even the report's authors could remember if pressed.

What are they doing?

If you're not exhausted by now, then I haven't been writing this properly. The report's 114 pages are riddled with errors, paint a horrible one-sided picture not backed up in the data, and end with recommendations that are somehow worse than doing nothing at all.

Lies, misrepresentations, basic errors and logical fallacies.

Are these the writings of a team of highly qualified and intelligent people intent on eliminating busking from Westminster? No. Whomever wrote this report is dedicated but idiotic, and this nonsense must end.

Thanks for reading,

Nick

BONUS: How the Council has insulted buskers for years

If the council wants the street performers to engage and cooperate, they'll have to apologise for a lot of insults.

For example, every time the council compliments its street performers, it's only doing it as a rhetorical shield against criticism for what they're about to say — like the phrase, "I am not racist but…". There are two lines in the report's 114 pages that talk about how important buskers have been for Westminster, instantly followed by criticisms:

"The Council continues to recognise the cultural contribution that busking adds to the City's vibrancy and character…. However, there continue to be adverse impacts."

"The Council acknowledges the cultural contribution of busking and street entertainment…while recognising the adverse impacts in certain locations."

The report even attempts to distance buskers from the cultural impact they make. Here's the first paragraph of the 2023 report, on page one:

"Westminster is populated with…nationally and internationally recognised commercial, cultural, and tourist destinations, creating a vibrant and exciting atmosphere. These high footfall areas are *also* attractive to buskers, helping to create a lively and diverse street scene unique to our city." [Italics mine]

In other words, Westminster is the place to be, and buskers just piggyback. But academic research around the world—and the briefest scan of Westminster Google Maps and Trip Advisor reviews—shows that street performer ecosystems don't just feed off of high-footfall areas, they also generate them. Any recognition of the contribution buskers *actually* provide would show that.

BUSKING AND STREET ENTERTAINMENT IN WESTMINSTER
WHAT IS BUSKING AND STREET ENTERTAINMENT?
Busking and street entertainment is a form of evolving performance art consisting of entertainment in a street or areas where the public commonly have access.
The phrase 'busking and street entertainment' should be given its ordinary meaning as commonly applied in everyday language which can include (but is not limited to) performances by musicians, magicians, comedians, artists including street artists, dancers, acrobats and mime artists.
For the purposes of this policy busking and street entertainment is not considered to be:
Activities that incorporate the sale of goods and/or services, for example portrait artists, balloon sellers and tarot card reading. Such activities are regulated by the Street Trading regime and are subject to separate controls.
Entertainment that is performed as part of a street party, community festival, charitable fundraising event, protest or similar activities.
Entertainment related to a religious meeting, procession or service (this includes performances of Christmas carols by members of the Salvation Army)
Entertainment organised as part of a wider authorised event by the council's City Promotions Events and Filming team, including (but not limited to) Chinese New Year, Gay Pride, other seasonal parades and festivals, and Film Premiers.
If you are not sure if your art or performance is a busking and street entertainment activity or any other type of activity, please contact streettradinglicensing@westminster.gov.uk
HISTORY OF BUSKING AND STREET ENTERTAINMENT IN LONDON
1741
'The Enraged Musician' by William Hogarth
1850
Harmony in Leicester Square
1903
Buskers, Living London Magazine by George Sims
1955
Harpist, Photo by B J Green
1955
Musicians, Soho Fair
1965
The Happy Wanderers Sand Dance, Leicester Square
1980
Musicians, Abbey Road pedestrian crossing
2019
Busking and Street Entertainment in present day
Images copyright iStock and Westminster City Council Archives

The one place I could find where Westminster Council has tried to demonstrate the impact buskers have made over the years is in a section titled, “History of busking and street entertainment in London” (above). That history was published within the pages of the “Busking and Street Entertainment” policy document from 2021—the pdf that buskers are given to tell them what the rules are.

The Diary of Samuel Pepys
Daily entries from the 17th century London diary
The Diary · Letters · Encyclopedia · Articles · Site News · Recent Activity · About
Latest · All entries · Summary · 1893 Introduction
Friday 9 May 1662
Up and to my office, and so to dinner at home, and then to several places to pay my debts, and then to Westminster to Dr. Castle, who discoursed with me about Privy Seal business, which I do not much mind, it being little worth, but by Watkins's — [clerk of the Privy Seal]— late sudden death we are like to lose money. Thence to Mr. de Cretz, and there saw some good pieces that he hath copyed of the King's pieces, some of Raphael and Michael Angelo; and I have borrowed an Elizabeth of his copying to hang up in my house, and sent it home by Will. Thence with Mr. Salisbury, who I met there, into Covent Garden to an alehouse, to see a picture that hangs there, which is offered for 20s, and I offered fourteen — but it is worth much more money — but did not buy it, I having no mind to break my oath. Thence to see an Italian puppet play that is within the rayles there, which is very pretty, the best that ever I saw, and great resort of gallants. So to the Temple and by water home, and so walk upon the leads, and in the dark there played upon my flageolette, it being a fine still evening, and so to supper and to bed.
This day I paid Godfrey's debt of 40 and odd pounds. The Duke of York went last night to Portsmouth; so that I believe the Queen is near.
Also on this day
In Parliament
House of Commons
House of Lords
Times
4:00 am sunrise
7:50 pm sunset
About these events
Read more
All diary entries from May 1662
Read a summary of this month's events

That history *could* have started with the first record of busking in Covent Garden. Samuel Pepys' diary entry for May 9th 1662 (above) talks about an Italian street performer there putting on a puppet show. It is assumed that he's talking about Punch and Judy, the famously violent puppet show that Italian street performers brought to Britain's shores. Thanks to this diary entry May 9th is now considered to be Punch and Judy's UK birthday. The Punch and Judy pub in Covent Garden even takes its name from the puppet shows that entertained the children of the flower sellers, which were still being put on 125 years after Pepys' diary entry, when the pub was founded in 1787.

When you think about it, it's pretty impressive that busking has been going on in Covent Garden since 1662. That's before the black plague or the Great Fire of London, before the first English language dictionary had been written, before the first bridge across the Thames, before the country had its first Prime Minister, before the steam engine, the photograph or electricity had been invented — and, importantly, over three centuries before Westminster City Council was put in charge of the borough.

Instead of all that, the council decided to start their history with an insult. The first image in their timeline is of a 1741 drawing titled "the enraged musician" by William Hogarth. Here's a close up.

You get the feeling that this is intended as a little jibe at London's buskers. It depicts a rowdy bunch outside making a din so loud the nice musician indoors is forced to cover his ears. But, if that is the council's idea of a joke (rather than a straight-up insult), it's not as clever as they think. Hogarth's image is not as it seems. According to what I read, this painting is actually a commentary on a shift in British tastes away from pompous continental influences, like Italian operas, and towards "British" music and homegrown culture. Presumably, whichever council official chose to add the enraged musician is unaware of its real message: that the condescending, white-wigged, floppy sleeved man can complain all he wants from within his stone walls, but the people have spoken, and the music they've chosen is here to stay.

Perhaps this image is a helpful reminder that noise complaints about buskers shouldn't be considered sacrosanct.

However, the second image on the council's history has no hidden message. Titled, sarcastically, "Harmony in Leicester Square," it depicts a barking dog and a startled cat, plus a trio of musicians, a family of singers, a bagpiper, an organ grinder, a tambourinist, and more, a cacophony of noise directed at the houses, without an audience. These are nuisances that residents must endure, not shows to be watched. What's interesting about this image is that I could find only one reference to it online, and no backstory. It seems to exist solely in the British Museum's archive and nowhere else. *It took work* for the council to find this insult.

After those two gems, where does the council go next? To a collection of arbitrary photographs of buskers, *none* of whom have an audience. This isn't a celebration of a culture, this is just one insult after another.

They *could* have mentioned that the British Skiffle craze—a largely busking phenomenon that swept the country in the late 1950s—was centred around Westminster's Soho, and launched the careers of members of the Rolling Stones, Led Zeppelin, The Who, Pink Floyd, Deep Purple, the Bee Gees and the Beatles).

Or, they *could* have mentioned that Eddie Izzard had started his career doing a comedy juggling act at Covent Garden, as did the fire breathing Pierce Brosnan. Or, they could have mentioned that Paul Simon had busked in Leicester Square. Or that Elvis Costello, Eric Clapton, Jeremy Irons, Paul Bettany and Rod Stewart had all at one time or another busked around London in their youths.

But no, their history started with an attempted insult, then an actual insult, then a series of minor slights. There is a rich busking history in London—one of the most fascinating histories of any busking ecosystem—along with thousands of freely available photos online of street performers entertaining huge crowds in the city.

That the council made the choice instead to post lacklustre photos and no backstory might sound like a minor thing, but imagine if we created a history of Westminster City Council, and decided to start that with the time that the leader of the council, Shirley Porter, spent millions of pounds of public money to illegally evict labour voters into scheduled-to-be-demolished, asbestos-ridden towers with no heating or ventilation, so that their flats could be sold to Tory voters, voters who'd then deliver a landslide victory for John Major, who promptly made Porter a Dame Commander of the Order of the British Empire as thanks, a title she holds to this day. We could then follow that with photos of all the subsequent Westminster council leaders who benefitted from the new electoral map in Westminster until the Tories got voted out in 2022. Did…did that sound insulting? Because at least it would be accurate, instead of relying on a cartoonish mockery of their history.

This may sound like too minor a thing to focus on, but the council's disdain for its street performers is clear everywhere you look, not just in these reports. If the council actually wants cooperation, they should apologise to their buskers for insulting them for years.